

BS



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,765	06/06/2000	Frank G. Sanborn	777.385US1	9606
22801	7590	10/22/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SAJOUS, WESNER	
			ART UNIT	PAPER NUMBER
			2676	
DATE MAILED: 10/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/587,765

**Applicant(s)**

SANBORN ET AL.

**Examiner**

Sajous Wesner

**Art Unit**

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 13-24, 26-30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-24 is/are allowed.
- 6) ☒ Claim(s) 1-8, 26-30, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 0200 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Remark**

This communication is responsive to the preliminary amendment and response dated April 23, 2004. Claims 1-8, 13-24, 26-30 and 33-34 are elected for examination.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed "browser that describes a vector shape on top of a raster image" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be

Art Unit: 2676

notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 and 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "replacing non-transparent bits..." (see line 4), and later recites "applying an effect to the non-transparent bits" (see line 5). By these limitations, it is unclear as to how an effect can be applied to the non-transparent bits, since the non-transparent bits were previously replaced or rejected. It should be noted that if the non-transparent bits were nonexistent it would be impossible to apply any processing to these bits. Thus, the limitations of claim 1 fail to particularly point out the claimed invention.

Claims 2-8 contain the problem of claim 1 by dependence; they are, therefore, similarly rejected.

Due to the uncertainty provided in claim 1 a reasonable search of the prior art by the examiner cannot be precluded. The applicant is required to submit an amendment which clarifies the claim so that the examiner may make a proper comparison of the invention with the prior art.

Art Unit: 2676

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

In claim 33, the limitation reciting "attaching a transformation component" (in line 4) is indefinite because the claim fails to recite what device or component that the transformation component is being attached to. Clarification is required.

Claim 34 contains the problem of claim 33; it is similarly rejected.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Munro (US 2002/0033837).

Considering claim 26, Munro, at figs. 1 and 2, discloses a computer-readable medium with instructions (*via client 104 and server 110 of fig. 1*) accessible as an extension to a browser (*202, fig. 2, wherein the extension to the browser is characterized by the extended plug-in browser suggested in paragraph 0024*) that describes a raster-based manipulation of an image described in a text (*204, fig. 2*) vector-based language. *See paragraphs 0006 and 0027-0029, wherein the text vector-*

Art Unit: 2676

*based language corresponds to the hypertext links or the standard HTML language that is associated with multiple-image viewer (see paragraphs 0026 and 0040-0041).*

6. Claims 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan (US 2001/0033284).

Regarding claim 27, Chan, at figs. 3-5, depicts the provision of special effects to a browser (*which defines the window*) that describes a vector shape on top of a raster image (*as depicted by figs. 4 or 5 or as illustrated by item 3005 of fig. 3, wherein the vector shape corresponds to item 3001 of fig. 3 or the text image of fig. 5, and the raster image corresponds to item 3002 of fig. 3 or the background image of fig. 5*). See paragraph 0035 beginning at the last 6 lines of page 3 and ended at page 4, and also paragraph 0038.

Re claim 28, Chan discloses the service is a plug-in extension (*e.g., the software plug-ins to the browser. See paragraph 0037*).

7. Claims 27, 29 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Brotsky (US 5490246).

Considering claim 29, Brotsky discloses providing special effects to a browser (*which is defined by any of the display viewer of figs. 2-4*) by performing vector transformations of raster-images (*e.g., take a set of vectors as input to yield raster images by scan converting each of the vectors. See col. 8, lines 21-23, and col. 15, lines 3-7*).

Art Unit: 2676

Regarding claim 27, Brotsky discloses a browser (*which defines the viewer of fig. 4*) that describes a vector shape on top of a raster image (*e.g., superimposing the input of a set vectors specifying the polygonal mask on top of raster image of Einstein. See col. 8, lines 21-42 in light of col. 7, lines 37-49*).

As per claim 33, Brotsky discloses a computer readable instruction (*see fig. 1, items 150-170*) to cause a computer (110) to perform a method comprising attaching a transformation component (*see fig. 2, wherein the transformation component corresponds to either input/output transform T2 or T3*); identifying a raster image (via viewer A of fig. 2 or via background C of fig. 3); and invoking (110, fig. 1) the transformation component to provide a plurality of manipulations (*e.g., transformations or conversions*) to the raster image, wherein the manipulations are described in vector-based terms (*as depicted in figs. 4-6*). *See col. 8, lines 21-50 in light of col. 15, lines 3-39.*

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotsky et al. in view of Munro.

Art Unit: 2676

As per claim 30, Brotsky discloses most claimed features of the invention except for the service as a plug-in extension.

Munro discloses the service as a plug-in extension (*e.g., browser allowing functionality of extended plug-ins. See paragraph 0024*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image editing system of Brotsky to include plug-in extension as taught by Munro, in order to extend the browser's architecture to allow the images to be displayed in the window. See Munro's paragraph 0024.

As per claim 34, Brotsky fails to teach HTML compliant computer readable instructions.

Munro discloses HTML compliant computer readable instructions. See paragraph 0026.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image editing system of Brotsky to include the HTML compliant computer readable instructions as taught by Munro, in order to allow the user to insert images into the web page window.

### ***Allowable Subject Matter***

9. Claims 13-24 are allowed because the prior art of record fail to teach a computerized method for image editing comprises determining that a filter is associated with a vector image created from a specification; copying a background image to an output buffer; retrieving a pixel from an input buffer as indicated by a pixel pointer;



Art Unit: 2676

applying the filter to corresponding pixels in the output buffer wherein the pixel is not transparent; advancing the pixel pointer, and repeating the method starting with the retrieving wherein a further pixel is moved into the input buffer.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as recited in the PTO-L 892 form.

**Any response to this action should be mailed to:**

#### **Box**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

(703) 872-9314, (for technology center 26000 only)

**Or:**

(703) 308-5359 for informal or draft communications, please label "PROPOSED"

or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-

Art Unit: 2676

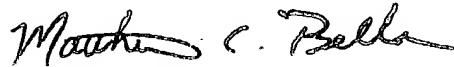
5857. The examiner can be reached on Mondays thru Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

**Wesner Sajous -WS-**



**10/14/2004**



**MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**